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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,018	09/15/2000	Alfred C. Nichols	nichols 1	8570
40198	7590	03/12/2007	EXAMINER	
BUSH INTELLECTUAL PROPERTY LAW GROUP, LLC			SEAMAN, D MARGARET M	
P.O. BOX 381146			ART UNIT	PAPER NUMBER
BIRMINGHAM, AL 35238			1625	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/12/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/625,018	NICHOLS ET AL.	
	Examiner	Art Unit	
	D. Margaret Seaman	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 43-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

Reissue Applications

This application was filed 7/20/2000 and is a reissue of US Patent 5783700 (application 08/887627, filed 7/2/1997). RCE papers were filed 1/30/2007. Claims 1-42 have been canceled and claims 43-56 are before the Examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

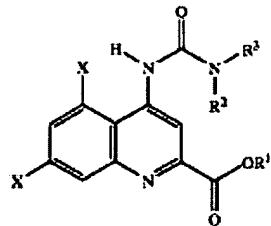
2. Claims 43-56 remain rejected under 35 U.S.C. 102(e) as being anticipated by Tabakoff (US Patent 6962930). As previously stated, Tabakoff teaches and claims a method of making compounds of formula (I)

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6. A method of preparing a compound of claim 1 comprising the steps of:

- a) reacting 3,5-dichloroaniline and dimethyl acetylenedicarboxylate to form dimethylanilinofumarate;
 - b) cyclizing the dimethylanilinofumarate with diphenyl ether to form 4(1H)-quinolone-2-carboxylate;
 - c) aminating the 4(1H)-quinolone-2-carboxylate with chlorosulphonyl isocyanate in acetonitrile to form a 4-amined derivative thereof; and
 - d) acylating the 4-amined derivative with diphenyl carbamoyl chloride to form (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline methyl ester.
- 7.** The method of claim 6 further including the step of:
- e) hydrolyzing the (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline methyl ester to (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline.

A compound having the formula (I):



which anticipate the

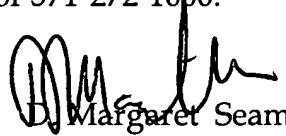
instant claims.

Applicant argues that the instant step (d) is a two-step process while the prior art of record (Tabakoff) has the equivalent step as a one step process. Further applicant supplies a rule 131 affidavit to show that the instant invention was made before the prior art's invention. However, the affidavit provides showing for only the process of making one specific compound from specific reactants. The instant claims are drawn to a markush process. The affidavit does not provide showing for the full range of the instantly claimed markush process. Further, the instant claims are drawn to a process "comprising" and not "consisting essentially of". This leaves the interpretation of a one step or two step process open. The rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Margaret Seaman
Primary Examiner
Art Unit 1625

dms